

STATE OF MICHIGAN
WESTERN DISTRICT OF MICHIGAN

BRENDA STRAIT, as Personal Representative
Of the Estate of Danny Whitney, Deceased,

Plaintiff,

vs.

Case No. 1:14-cv-00630

COUNTY OF GRAND TRAVERSE, SHERIFF THOMAS
BENSLEY, DEPUTY SCOTT MARTIN, SERGEANT
ED LASSA, CORRECTIONAL HEALTHCARE
COMPANIES, INC., HEALTH PROFESSIONALS, LTD,
P.C., STEPHANIE L. MILLER, LPN, and WILFRED P.
SALDANA, MD, Jointly and Severally,

Hon. Paul L. Maloney

Defendants.

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AFFIDAVIT OF MERITORIOUS DEFENSE ON BEHALF OF DEFENDANT
STEPHANIE L. MILLER, L.P.N.

I, Josephine Messelmani-Woods, R.N., being first duly sworn, state and depose as follows:

1. I am a registered nurse licensed to practice in the state of Michigan.

2. I have reviewed the Complaint and all medical records supplied to me by the defense concerning the allegations contained in the Complaint.

3. **Factual Basis** – Medical records indicate that on 03/02/2012, Danny Whitney was incarcerated at the Grand Traverse County Jail. He reported to Stephanie L. Miller, L.P.N. that earlier in the day he had taken one Xanax and four methadone tablets. Nurse Miller evaluated Danny Whitney, including evaluation of vital signs. She noted no nausea and vomiting. Mr. Whitney had an unsteady gait but was able to walk and stand. He was able to maintain conversation and follow commands. Mr. Whitney was placed in an observation cell and was monitored. Nurse Miller was later called to Mr. Whitney's cell. CPR was performed on Danny Whitney. Other healthcare providers provided care but were unable to revive Mr. Whitney, who was pronounced dead.

4. **Applicable Standard of Practice or Care** – The applicable standard of practice or care is that of a licensed practical nurse. The standard of practice or care required that Nurse Miller properly evaluate Danny Whitney, including receiving information from Mr. Whitney regarding the medications he had taken, and properly evaluating Mr. Whitney, including vital signs.

5. **The Manner in Which Stephanie L. Miller, L.P.N. Complied with the Applicable Standard of Practice or Care** – Nurse Miller complied with the applicable standard of practice or care in that Nurse Miller properly evaluated Danny Whitney, including receiving information from Mr. Whitney regarding the medications he had taken, and properly evaluating Danny Whitney,

including vital signs. In addition, Danny Whitney was appropriately placed in a medical observation cell and he was observed.

6. **The Alleged Injury or Damages are not Related to the Alleged Violations of the Standard of Care** – The damages alleged by Plaintiff are not related to Nurse Miller's involvement with Mr. Whitney, as alleged in Plaintiff's Complaint. Danny Whitney and Brenda Strait, as Personal Representative of the Estate of Danny Whitney, Deceased, did not sustain damages as alleged in Plaintiff's Complaint as a result of the alleged acts or omissions of Nurse Miller.

This Affidavit is based on information which has been received and is subject to change or modification upon receipt of additional or further information.

Dated: 8/28/2014

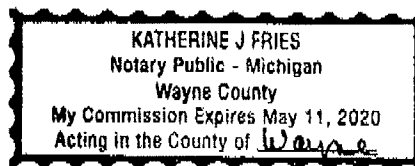
Josephine Messelmani-Woods RN
JOSEPHINE MESSELMANI-WOODS, R.N.

Subscribed and sworn to before me on

August 28, 2014.

Katherine J. Fries

Notary Public, Wayne County,
Michigan



My Commission Expires: 5-11-2020